

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SCHWARZ PHARMA, INC.,
CIMA LABS, INC.,

Plaintiffs,

v.

Case No. 02-C-0918

BRECKENRIDGE PHARMACEUTICAL, INC.,
and NAPEAN ENTERPRISES, INC.,

Defendants.

ORDER REGARDING MOTIONS IN LIMINE

This court conducted hearings on September 20 and 21, 2005, and ruled on the following pending motions. For the reasons set forth on the record,

IT IS ORDERED that arguments 1, 2, 4, 5 and 6 of plaintiff Schwarz Pharma, Inc.'s motion in limine are withdrawn; and, argument 3 is granted. (Doc. # 203)

IT IS FURTHER ORDERED that defendant Breckenridge's motion in limine re confusion as to trade dress is withdrawn. (Doc. # 213)

IT IS FURTHER ORDERED that defendant's motion in limine to exclude expert testimony for failure to comply with Civ. L. R. 26.1 with respect to Behnken and Losiniecki is granted. (Doc. # 211)

IT IS FURTHER ORDERED defendant's motion in limine re adulteration is granted. (Doc. # 207)

IT IS FURTHER ORDERED defendant's motion in limine re stability testing and expiration dating is denied. (Doc. # 208)

IT IS FURTHER ORDERED that defendant's motion in limine re pharmaceutical and therapeutical equivalence/bioequivalence is denied. (Doc. # 214)

IT IS FURTHER ORDERED that defendant's motion in limine re state pharmacy laws and legality of substitution is granted. (Doc. # 218)

IT IS FURTHER ORDERED that defendant's motion in limine re Losiniecki expert testimony is granted. (Doc. # 205)

IT IS FURHTER ORDERED that defendant's motion in limine re expert testimony of Benhken is granted. (Doc. # 210)

IT IS FURTHER ORDERED that defendant's motion in limine re Schwarz's testing of Neosol granted in part and denied in part. (Doc. # 209)

IT IS FURTHER ORDERED that defendant's motion in limine re warning letters/FDA form - 483's is granted. (Doc. # 216)

IT IS FURTHER ORDERED that defendant's motion in limine re expert testimony of Brian Reisetter is denied. (Doc. # 212)

IT IS FURTHER ORDERED that defendant's motion in limine re expert testimony of Campbell is granted, and re expert testimony of Brunner is withdrawn. (Doc. # 215)

IT IS FURTHER ORDERED that defendant's motion in limine re expert testimony of Charles Breeden is denied. (Doc. # 217)

Dated at Milwaukee, Wisconsin, this 22nd day of September, 2005.

BY THE COURT

s/ C. N. CLEVERT, JR.

C. N. CLEVERT, JR.

U. S. District Judge